



General Assembly

January Session, 2003

Committee Bill No. 665

LCO No. 4657

Referred to Committee on Environment

Introduced by:
(ENV)

**AN ACT REQUIRING REPORTING BY PERSONS ENGAGED IN
AQUACULTURE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-194 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) The Commissioner of Agriculture may lease in the name of the
4 state, under such regulations as he may prescribe and for a period not
5 longer than ten years, all shellfish areas that have been conveyed to the
6 state or placed under state jurisdiction by the town of West Haven and
7 any undesignated grounds, within the exclusive jurisdiction of the
8 state, for the purpose of planting and cultivating shellfish. The
9 authority herein conferred shall include the Cornell Reef, Portchester,
10 Great Captain's Island, Field Point and Greenwich Point natural beds
11 as located and described in section 3295 of the general statutes,
12 revision of 1918. Any person desiring to lease grounds for such
13 purpose shall make application in writing to the commissioner and all
14 grounds leased by authority of the provisions of this section shall be
15 leased to the highest responsible bidder, for a minimum fee of two
16 dollars per acre. The form of such application and lease shall be

17 approved by the Attorney General, and all such leases shall be
18 recorded in the records of the commissioner. No lease shall be granted
19 to a resident of a state which does not lease shellfish grounds to
20 residents of this state, except that any nonresident who was granted a
21 lease on or before October 1, 1985, may, upon the expiration of such
22 lease, apply for a renewal or further lease as provided in this section.
23 The commissioner shall grant any such lease to nonresidents upon the
24 same terms and conditions as to residents of this state. Any lessee or
25 holder of oyster ground, on the expiration of any lease thereof which
26 has been or which may be granted, shall, upon application to the
27 commissioner, have the preference in the reletting of such ground for a
28 like term to that granted in the original lease, unless such applicant, at
29 the time for granting such application, is in arrears for rent on the
30 original lease of such ground. Such application for such renewal or
31 further lease shall be granted without notice or advertisement of the
32 pendency thereof; provided no renewal or further lease of such ground
33 shall be granted when the commissioner, for cause, ceases to lease such
34 ground for oyster culture. All assignments or transfers of leases shall
35 be subject to the approval of the commissioner and shall be recorded in
36 his records. Any person who interferes with, annoys or molests
37 another in the enjoyment of any lease authorized by the provisions of
38 this section shall be subject to the penalties provided in section 26-237.
39 The provisions of sections 26-212, 26-215 and 26-232 shall not apply to
40 any shellfish grounds leased pursuant to the provisions of this section.

41 (b) The commissioner may designate an agent within the
42 department to exercise the authority of said commissioner under this
43 section.

44 (c) Any person granted a lease under the provisions of this section
45 shall submit quarterly and annual reports to the Bureau of
46 Aquaculture and Laboratory Services at the Department of
47 Agriculture. Such reports shall be made upon a form prescribed by the
48 Commissioner of Agriculture and include information relating to all
49 activities on the leased area by such lessee, including, but not limited

50 to, cultivation, transplanting and marketing. Such reports shall be
51 deemed as proprietary information not subject to disclosure pursuant
52 to the provisions of chapter 14.

53 Sec. 2. Section 1-210 of the general statutes is amended by adding
54 subdivision (21) as follows (*Effective October 1, 2003*):

55 (NEW) (21) Records submitted to the Bureau of Aquaculture and
56 Laboratory Services at the Department of Agriculture pertaining to the
57 cultivation, transplanting and marketing of leased shellfish beds
58 disclosure of which could affect the integrity and preservation of such
59 leased areas.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

ENV *Joint Favorable*